



TOWN OF BEAUX ARTS VILLAGE

PLANNING COMMISSION

MINUTES

October 16, 2008

Casey

Present: Acting Chairperson Dennis Casey, Commissioners Scott Harpster, Gordon Roberts and Karen Scott.

Excused: Commissioner Jake Donoghue.

Staff: Deputy Town Clerk Angela Kulp and Town Planner Mona Green

Guests: None

Acting Chair Casey called the meeting to order at 7:31pm.

Minutes: Commissioner Harpster moved to approve the September 18, 2008 minutes as written. Commissioner Roberts seconded. Vote: 3 For, 0 Against, 1 Abstain. Motion carried.

PUBLIC HEARING: Tree Ordinance Amendments

The public hearing opened at 7:59pm.

As there were no guests with comments, and no letters received to read, the Commissioners just went through the amended changes to Ordinance #358 with Planner Green.

The public hearing closed at 8:07pm.

The Commissioners agreed the revised ordinance language was sufficiently clear on the amendment to Ordinance #358 so no changes were suggested. The revisions included more clearly defining mature trees, diameter and its measurement, as well as tree units and their calculations. Commissioner Harpster moved to forward the amendment to Ordinance #358 onto the Council recommending the Council accept and pass the amended ordinance as is written. Commissioner Scott seconded. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

NEW BUSINESS: Town ROW

Planner Green recapped the Council's recent decision on the Jochums' ROW encroachment for the Commissioners' benefit. Commissioner Scott pointed out the necessitation for clarifying the difference when speaking about Town ROW in an existing path versus a paved road. Planner Green noted the width is 40' on most ROW and belongs to the town regardless of where it is, what it's covered in or for what it's currently used.

Commissioner Donoghue attended the previous Council meeting clarifying the Council's ROW concerns. Prior to Mr. Donoghue's absence, he relayed this information to Deputy Clerk Kulp who shared it aloud for the Commissioners. The Council's concerns include:

- Landscaping: Add, "No Holly, Ivy, Laurel or other invasive species should be allowed." The Commissioners agreed unanimously this addition is consistent with other village landscaping policies and should be included.
- Existing Fences – shall we allow repair as part of a grandfather clause? The Commissioners agreed unanimously an owner that needs repair of an existing fence in the ROW should also need to apply for a ROW Use Permit and the Council should reserve the right to judge the need for existing repair on a case-by-case basis but no new fences will be allowed. The Commissioners also agreed even if the town grants repair of something existing, that the town should retain the right to ask for removal at the owner's expense at any time if the town needs access to that ROW area in the future.
- Pavers: Include pavers as considered pervious and allowable for suitable storm water retention and drainage, just like gravel. The Commissioners unanimously concur.

Commissioners Casey and Scott outlined the new ROW Ordinance should encompass all situations for a possible ROW Use Permit triggered anytime someone wants to make improvements in the ROW, whether it be an existing neighbor quietly re-landscaping or a major construction project. The Commissioners all agreed getting a ROW Use Permit allows the owner to recognize the ROW belongs to the town, not the owner.

Planner Green summarized the new ROW Ordinance will have a list of what you can and cannot do in the ROW. If someone wants to do something that is allowed, he or she will have to get permission by asking the Council for a ROW Use Permit. When someone plans a construction project, then he or she must also seek permission to keep what is already in the ROW. If permission is granted, the permit would be issued and the work allowed. Planner Green noted with a current example that it is already common on new construction for ROW issues to be corrected as part of the conditions of ones building permit. The Commissioners concurred, and Planner Green agreed to draft the ROW Ordinance prior to the November meeting for the Commissioners to review at that meeting.

Adjourn: Commissioner Harpster moved to adjourn the meeting and Commissioner Scott seconded. Meeting adjourned at 8:43pm. Vote: 4 For, 0 Against, 0 Abstain. Motion carried.

Next Meeting: The next meeting is scheduled for Thursday, November 20, 2008 at 7:30pm at Commissioner Scott's home.

Respectfully submitted,

Angela Kulp
Deputy Town Clerk